
Six monthly review of human rights situation in Indian administered Jammu and Kashmir

(January to June 2020)

Prepared by:

Jammu Kashmir Coalition of Civil Society
(JKCCS)

and

Association of Parents of Disappeared
Persons (APDP)



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6 monthly Human Rights Review report is a bi-annual review of Human Rights in Jammu & Kashmir. It summaries key human rights issues facing Jammu and Kashmir.

Published by
Jammu Kashmir Coalition of Civil Society
&
Association of Parents of Disappeared Persons
(1 July 2020)

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I. EXECUTIVE SUMMARY

This bi-annual report on the situation of human rights in Indian administered Jammu and Kashmir (henceforth J&K) covers the period from 1 January to 30 June 2020.

The first six months of 2020 witnessed at least 229 killings in different incidents of violence.

The first six months of 2020 witnessed the extrajudicial executions of at least 32 civilians in J&K, besides killings of 143 militants and 54 armed forces personnel.

Children and women continued to be victims of violence in J&K as 3 children and 2 women were killed in the first half of 2020.

From January 1 to June 30, at least 107 Cordon and Search Operations (CASOs) and Cordon and Destroy Operations (CADO's) were conducted in J&K which resulted in the killing of 143 militants. At least 57 encounters took place between Indian armed forces and the militants following CASOs in the first six months of 2020. During CASOs and encounters, vandalism and destruction of civilian properties was reported.

In the first six months of 2020, media continued to be at the receiving end of the pressure, intimidation and harassment by the authorities, with several incidents of beating and thrashing of journalists. Besides physical assaults, few Kashmir based journalists were also booked under stringent charges and cases were filed against them.

The first six months of 2020 witnessed the continuation of the banning of the 4G mobile internet services, which was banned on August 5 last year. The right to access information continues to be severely restricted in J&K as part of the ongoing counter-insurgency measures by the government of India as there were 55 instances of internet blockades recorded from January 1 to June 30 2020.

In J&K, the destruction of civilian properties by armed forces personnel during encounters or while dealing with the protestors saw an uptick in the first six months of 2020. From January 1 to June 30, at least 48 cases of destruction of civilian properties were reported in Jammu and Kashmir. The destruction of civilian properties during encounters saw an increase during the COVID-19 lockdown enforced by the government, rendering many families homeless and without shelter.

II. HUMAN RIGHTS VIOLATIONS STATISTICS

Year 2020	January	February	March	April	May	June	Total
Civilians Killings	02	03	07	09	05	06	32
Militants Killings	17	07	07	35	15	62	143
Armed Forces Killings	09	03	03	17	15	07	54
No. of encounters	11	3	3	13	10	17	57
No. of CASOs	18	14	8	21	14	32	107

III. KILLINGS

The first six months of 2020 recorded at least 229 killings in different incidents of violence across J&K.

The first six months of 2020 witnessed a peak in violent encounters between armed forces and militants, resulting in the killing of 143 militants. Armed forces accounted for 54 killings while 32 civilians were killed in various incidents of violence. (In the same period in 2019 i.e. January to June 2019, at least 271 killings were witnessed in J&K, which include 43 civilians, 120 militants and 108 Indian armed forces personnel).

The month wise figures of killings are given in a table below:

Killings from January to June 2020

Month	Armed Forces	Militants	Civilians	Monthly total
January	9	17	2	28
February	3	7	3	13
March	3	7	7	17
April	17	35	9	61
May	15	15	5	35
June	7	62	6	75
Total	54	143	32	229

Among 32 civilians killed in J&K from January 1 to June 30, 9 were killed due to shelling at LOC, 11 were killed by unknown gunmen, 4 were killed by militants, 2 were killed by armed forces, 3 died due to injuries inflicted at encounter sites, 1 died in cross firing and 2 were killed due to a blast at Army ammunition depot.

Among 54 armed forces killed in J&K, 4 were killed in fratricidal incidents, 9 committed suicide, 7 died due to shelling at LOC and the 34 were killed in encounters with militants.

A table listing all civilian killings in the first half of 2020 is given below:

Date-wise civilian killings with brief details (January to June 2020)

S. No.	Name	Age	Parentage	Address	Occupation	Date of Killing	Alleged Agency	Nature of killing	Brief details
JANUARY									
1.	Not ascertained				Army Porter	10-01-20		LOC Shelling	Jan 10: Two army porters were killed and three others were injured in cross LoC shelling in Gulpur sector in Poonch district. The identity of the slain porters were not ascertained.
2.	Not ascertained				Army Porter	10-01-20		LOC Shelling	-Do-
FEBRUARY									
3.	Mohammad Saleem			Tar Karnah, Kupwara		03-02-20		LOC shelling	A civilian was killed in cross LoC shelling in north Kashmir's Kupwara district. The deceased was identified as Mohammad Saleem son of Alim Dar of Tar, Karnah, Kupwara.
4.	Ghulam Nabi Mir	65	Sanaullah Mir	Payeen, Tral, Pulwama	Contractor	09-02-20	Unidentified gunmen	Shot Dead	Unidentified gunmen shot dead a civilian in Tral area of Pulwama

									district. The slain was identified as Ghulam Nabi Mir- 65- a contractor – son of Sanullah Mir of Tral Payeen. He was shot dead outside his house at evening.
5.	Not ascertained			Poonch		14-02-20		LOC shelling	A villager was killed and four others injured in cross LoC shelling in Shahpur and Kerni areas of Poonch district. The identity of slain could not be ascertained.
March									
6.	Umar Subhan Wagay			Warpura Sopore.		04-3-2020	Militants	Shot dead	A policeman and a civilian were killed and another cop injured when militants fired upon forces north Kashmir's Warpora area of Sopore.
7.	Ghulam Nabi Ahanger	62		Astan Mohalla, Zainakdal, Srinagar		06-3-2020	Militants	Grenade Attack	Ghulam Nabi was seriously injured when militants attacked armed forces at Zaina Kadal, Srinagar.
8.	Shabir Ahmad Bhat	30	Muhammad Sidiq Bhat	Tral, Payeen	Trader	06-3-2020	Unidentified gunmen	Shot dead	Shabir was killed by unknown gunmen in Tral area of south Kashmir's Pulwama district. One report said gunmen intercepted Bhat's car (Duster-CH 01 AQ/ 8750) on Tral-Gamraz road and fired upon him. "Bhat, a resident of Tral Payeen was hit in his head. He was immediately shifted to Sub-District Tral hospital where he was declared brought dead.
9.	Fayaz Ahmad Bhat			Pahloo, Shangus	Labourer	09-03-2020			Accidental blast at Army's field ammunition depot
10.	Gulzar Ahmad Khan			Maidphal, Udarsoo, Shangus	Labourer	09-03-2020			Accidental blast at Army's field ammunition depot
11.	Mehraj Din Bhat	23		Kulgam		27-03-20	Unidentified gunmen	Shot dead	Mehraj was shot dead by unidentified gunmen. A doctor at PHC Qaimoh said the man had suffered five bullet wounds in his arms and legs. He was shifted to GMC Anantnag where he succumbed.
12.	Waseem Ahmad	25		Turigam, Yaripora, Kulgam		31-03-20	Unidentified gunmen	Shot	On March 21 Waseem was shot at and badly injured by unknown gunmen. He died later in the hospital.
April									
13.	Mohammad Saleem Dar	28		Larkipora, Doru, Anantnag	Shopkeeper	02-03-20	Unidentified gunmen	Shot dead	Unidentified gunmen shot dead a youth Muhammad Saleem Dar in Larkipora village of Dooru in south Kashmir's Anantnag district.
14.	Ghulam Hassan			Nadimarg, Kulgam	Retired govt employee	03-04-2-2020	Unidentified	Shot dead	The gunmen entered into a house at

	Wagay						gunmen		Nadimarg last night and shot dead two civilians Ghulam Hassan Wagay, a retired government employee and Sirajudin Khatana. Both of them died on the spot.
15.	Sirajudin Khatana			Nadimarg, Kulgam	NPP Block President	03-04-2020	Unidentified gunmen	Shot dead	The gunmen entered into a house at Nadimarg last night and shot dead two civilians Ghulam Hassan Wagay, a retired government employee and Sirajudin Khatana. Both of them died on the spot.
16.	Shameema Bano	36		Reddi, Chowkibal Kupwara		12-04-20		LoC shelling	Three persons including a minor were killed and five others injured in intense cross-LoC shelling in north Kashmir's Kupwara district.
17.	Javed Ahmad Khan			Reddi, Chowkibal, Kupwara		12-04-2020		LoC shelling	-Do-
18.	Zeeshan	8				12-04-20		LoC shelling	-Do-
19.	Abdul Hameed Matoo				Ex-police official	13-04-20	Unidentified gunmen	Shot dead	A retired army personnel succumbed to bullet injuries in an attack by militants in Bachroo village of south Kashmir's Kulgam district. He was identified as Abdul Hameed Matoo, it is believed that militants fired upon him in his native village.
20.	Mansoor Ahmad	25		Goripora, Awantipora	Carpenter	25-04-2020		Cross firing	Mansoor was killed in cross firing between militants and armed forces in Barsoo village of Awantipora.
21.	Gulfaraz Ahmad	18		Poonch		30-04-20		LoC shelling	Gulfaraz was killed in cross LoC firing in Poonch.
May									
22.	Hazim Shafi Bhat	14		Khaipora, Handwara, Kupwara		04-05-20	Armed Forces	Shot dead	A disabled teenage student Hazmi was killed after CRPF retaliated to an attack by militants on a CRPF party in Wangam village of Handwara. Three paramilitary officers were killed in the attack.
23.	Peer Mehrajuddin	25	Ghulam Nabi	Makhama village in Beerwah area of Budgam	Working at Khidmat centre	13-05-20	CRPF	Shot dead	Peer Mehraj-ud-din a 25-year-old civilian was shot dead by paramilitary CRPF at Kawoosa, Narbal, in Budgam district. The slain civilian was ferrying his uncle, a police assistant sub-inspector (ASI), to the Police Control Room in Srinagar when he was killed on the way near a checkpoint

									(naka).
24.	Basim Ajaz	12		Srinagar		20-05-20		Encounter site at Nawa Kadal, Srinagar	A 12 year old boy, Basim Aijaz, succumbed due to burn injuries from the house collapse at Nawa Kadal encounter site.
25.	Manzoor Ahmad Khan	55		Nawa Kadal, Srinagar		24-05-20		Encounter site at Nawa Kadal Srinagar	Injured due to damage to houses in an encounter between militants and armed forces in Srinagar's Nawakadal area
26.	Fayaz Ahmad Bhat			Nawa Kadal, Srinagar		25-05-20		Encounter site at Nawa Kadal, Srinagar	Injured due to damage to houses in an encounter between militants and armed forces in Srinagar's Nawakadal area
June									
27.	Danish Manzoor		Manzoor Ahmed	Bomai, Sopore, Baramulla		06-06-20	Unidentified Gunmen	Shot dead	Unidentified gunmen shot dead a civilian at Bomai area in north Kashmir's Baramulla district. Police identified the slain civilian as Danish Manzoor son of Manzoor Ahmed of village Bomai.
28.	Ajay Pandita		Omakar Nath	Lokbawan village in Larkipora area of Anantnag	Sarpanch	08-06-20	Militants	Shot dead	A Sarpanch was shot dead by gunmen in Pinjora village of Shopian district in south Kashmir. The slain was identified as Ajay Pandita, son of Omakar Nath, a resident of Lokbawan village in Larkipora area of Anantnag district. NHRC issued notice to J&K DGP
29.	Tariq Ahmad Paul	34		Pinjoora, Shopian		08-06-20	Not known	He was abducted and killed subsequently	Tariq from south Kashmir's Shopian district whose house was damaged in a gunfight between militants and government forces on Monday, has been found dead in a nearby village, officials said. The dead body of the 34-year-old Tariq Ahmad Paul, a resident of Pinjoora Shopian, was found by locals in an orchard in nearby Kungnoo village
30.	Adil Yousuf Zargar	25	Mohammad Yousuf	New Colony, Pulwama		11-06-20	Not known	His body was found having violence marks over it.	A 25 year old man was found dead, "with apparent marks of violence" on his body in Pulwama district of south Kashmir. The deceased has been identified as Adil Yousuf Zargar, 25, son of Muhammad Yousuf of New Colony area in main town Pulwama. His body was found in the vicinity of a school in Dangerpora area of the main town.
31.	Akhtara	42	Zahoor	Batgran	Housewife	12-06-20		LOC shelling	A woman was killed

	Begam		Ahmad Chachi	village Uri, Baramulla					while another was injured in cross-LoC shelling in Uri in north Kashmir's Baramulla district. The slain was identified as Akhtara Begam, 42, wife of Zahoor Ahmad Chachi, resident of Batgran village, was killed when a shell hit her.
32.	Nuhan Ahmad Bhat	5	Muhammad Yaseen	Mouchawa village in Yaripora, Kulgam		26-06-20	Militants	When militants attacked CRPF	A 5-year-old boy and a CRPF soldier were killed when militants attacked a CRPF men on duty near the Mughal Garden, along the old national highway, here in Bijbehara area in south Kashmir. The slain boy was identified as Nuhan Ahmad Bhat, son of Muhammad Yaseen, a resident of Mouchawa village in Yaripora area of neighbouring Kulgam district while the soldier was identified as Shamal Kumar Reddy, of 90 BN.

IV. CORDON AND SEARCH OPERATIONS

Cordon and Search Operations (CASO's) continued at a steady pace throughout the early months of 2020. The initial peak was observed in April, when the lockdown due to the COVID-19 pandemic was enforced. This trend decreased slightly in May but there was again a steep rise, with the instances of CASOs nearly doubling in June. A total of 107 CASOs were recorded as per our estimates in the first six months of 2020. The districts which remained the worst affected were Pulwama, Shopian, Kulgam and Anantnag in the southern part of Kashmir. While in the north, Kupwara and Baramulla witnessed frequent encounters as well.

There were many instances of prolonged search operations, in one of the cases the search operation continued for more than 10 days in District Poonch.

V. DESTRUCTION OF PROPERTY

Houses, vehicles and animal shelters have become the most common collateral damage other than human lives in instances of violence such as encounters or cross-border firing in J&K. However, less media attention is given to this aspect of the conflict as the numbers are either under reported, manipulated, reported vaguely or not reported at all. In one such instance, a Kashmiri journalist Fahad Shah who had reported on the Nawakadal encounter was questioned by the cyber police specifically for his reportage of the destruction of property at the site of the encounter. There was discrepancy in the official numbers of houses damaged provided by the fire department (15), while the Mohalla Committee alleged that 22 houses were destroyed in the encounter.

In another case, due to cross-border firing at least a dozen animals and many houses were destroyed in Poonch. The exact number of houses damaged was not reported, neither was there a follow up report on the affected households.

In an estimate, at least 48 houses were damaged in the first six months of 2020 in either cross-border shelling or during encounters. The disproportionate use of force by armed personnel has rendered families without shelter. The lack of sanitizing operations by the authorities following violent encounters lead to the death of one 12-year-old boy Basim Aijaz, who as per his family died due to burn injuries at the Nawa Kadal encounter site.

VI. ARBITRARY AND ADMINISTRATIVE DETENTION

Detentions under Public Safety Act (PSA)

With the abrogation of Article 370 by Government of India on August 5, the entire Jammu and Kashmir was put under a military lockdown. In the lead up to the day and soon after hundreds of Kashmiris were booked under the draconian Public Safety Act (PSA). As per a report from March 17, 2020, 450 people from J&K were still in preventive detention in various jails across India. Since August, the administration had sporadically released a few civilians and political leaders/activist, however, most detentions were not quashed by the High Court. But, with growing concern of the COVID-19 pandemic and due to calls from humanitarian and civil society groups, a gradual increase in release of prisoners started in March 2020.

On 29 March, the Supreme Court of India in a *Suo Moto* writ petition, “Contagion of COVID-19 Virus in Prisons” sanctioned the constitution of a high-powered committee to assess the release of prisoners. An estimate of 106 prisoners who were booked under PSA were released since March 2020. This was done in accordance with the Supreme Court directive to states and Union Territories to consider decongesting jails in view of the COVID-19 threat. Among the released were the father-son duo of former J&K Chief Ministers, Farooq Abdullah and Omar Abdullah, who served seven and eight months under home detention respectively.

In several cases however, political prisoners are still languishing in jails in the midst of this global health crisis. Families of detainees have expressed their concern and demanded that their relatives be shifted to jails within J&K. The courts and administration have also turned down several pleas of relatives of detainees who have asked for relaxations on the grounds of health.

Multiple pleas, including by United Nations Office of the High Commissioner for Human Rights (OHCHR), for the release of the J&K High Court Bar Association President Mian Abdul Qayoom, who was detained on the intervening night of August 4 and 5, were rejected by the government. In response to the latest plea, the JK High Court in its judgment asked Qayoom to establish by way of his conduct that he has “shunned his separatist ideology”. The 70-year-old suffers from multiple ailment and his family has alleged that he is facing medical neglect time and time again. The High Court Bar Association (HCBA) also highlighted the deteriorating health conditions of Bar President, Mian Abdul Qayoom and emphasized that he is vulnerable to contracting the virus because of his health condition. They urged committees constituted by the Supreme Court to order release of all J&K detainees and political prisoners.

In another case, Bilal Sultan, who was detained for preventive measures after August 5 had to be taken to a psychiatric facility after showing aggressive signs of depression as per reports. No further update about his health or release was found.

Arrests under UAPA

The draconian Unlawful Activities (Prevention) Act (UAPA) is a tool, which the government of India has excessively used, in recent times to curb dissent and opposing views. Under the amended law, individuals can be labelled and treated as terrorists and booked for up to 7 years. The law also allows for the National Investigation Agency (NIA) and similar investigating agencies to probe the cases.

In one such instance, the Jammu and Kashmir police filed cases against two Kashmiri journalists. Of the two one is a correspondent for the newspaper The Hindu and the other is an independent journalist. UAPA was invoked against a female journalist Masrat Zahra and Gowhar Geelani by Cyber Police station Srinagar under section 13 of UAPA and Section 505 IPC. Also, an FIR was lodged against Peerzada Aashiq. These clearly infringe on the Right to Freedom of Expression and the Right to Freedom of Press as such tactics signal a forewarning for media personnel to adhere to the state narrative.

Naseema Bano, mother of slain militant Tauseef Ahmad Sheikh was arrested under UAPA by the Jammu and Kashmir Police. A photo of her with her son holding a gun emerged and it was alleged that she had aided the recruitment of two militants. Many activists have demanded the release of Bano, who is in her mid-50s. They deem it as continued harassment of the families of slain and ex-militants.

In other instances of arrests and detention, the TADA Court in March 2020 filed charge sheets and made arrests against already arrested people and some pro-freedom leaders. Of which, Yasin Malik, chief of the banned outfit JKLF, and six others, allegedly involved in the killing of four unarmed IAF officers in 1990 were booked under TADA by the NIA. Police filed a chargesheet on April 23 against a woman alleged to be a militant associate of LeT in Handwara. The NIA booked 16 people, alleged militants and OGWs and also arrested a resident from Shopian identified as Tariq Ahmad Mir, also a BJP Sarpanch, in connection with the case related to Davinder Singh.¹ The case of Davinder Singh also reveals how the the structures of militarization in Kashmir work, which has in the past lead to fake encounters.²

In another case, a teenager identified as Waseem Bashir Dar, whose exact age was not specified, was arrested in the Mingam area of Pulwama district after a night raid in the area.

VII. COMMUNICATION BLOCKADE

The internet blackout in Kashmir which started in August and lasted 175 days, was among the world's longest internet shutdowns implemented, according to digital rights group Access Now.

Communication services continued to be suspended in most parts of Jammu and Kashmir in the beginning of the year 2020. The reasons cited by the government for the continued communication blockade was “the misuse of data services by anti-national elements.” It was on January 18 that voice calling was restored on all prepaid SIM cards in J&K after more than 5 months of being shut from 5 August 2019. While the fixed broadband facility was functional in Jammu, internet services continued to be suspended till 15 February 2020. The restoration of mobile data services was allowed under heavy restriction where only white

¹ <https://scroll.in/article/949663/who-is-davinder-singh-the-kashmir-police-officer-arrested-in-a-car-with-hizbul-militants>

² <https://frontline.thehindu.com/cover-story/article30672801.ece>

listed sites could be accessed by the users, use of social media continued to be banned and the speed was restricted to 2G. Reports of civilians using VPNs to access internet and getting beaten by armed forces also surfaced in the valley. The ban on social media in J&K was lifted after seven months on 4 March 2020. In an attempt to curb the freedom of expression and communication of the people of J&K, users were forewarned of adverse action by the state in case of misuse or uploading “provocative material inimical to the interest of the State.”

Despite the restoration of the communication services, internet services continued to be curtailed in areas where counterinsurgency operations would take place. In the first six months, the internet was temporarily suspended 55 times, of which the highest frequency of shutdowns was observed in the month of May where the 2G services were suspended 17 times. Most of these suspensions were reported from southern Kashmir and some parts of northern Kashmir where frequent encounters occurred between the militants and the armed forces. In the aftermath of the killing of Hizb-ul-Mujahideen Operational Chief, Riyaz Naikoo and two other militants, cellular services were suspended in the entire Kashmir valley on 6 May 2020. The voice calling services were restored a day later while mobile internet services were restored 5 days later.

The voice calling services were suspended 4 times in the first six months of the year in various districts of J&K.

Low speed internet and suspension of communication services becomes an added impediment in J&K’s fight against COVID-19. David Kaye, United Nations Special Rapporteur on the Right to Freedom of Expression, in a statement against communication shutdowns during the pandemic said, “Internet access is critical at a time of crisis.” He added, “Human health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one’s family, and one’s community.” Healthcare workers in Kashmir have repeatedly emphasized the importance of steady internet services to ensure measures for public health. Due to the communication blockade people were unable to call the COVID-19 helpline services to seek redressal of grievances amid the lockdown. As per a report in the local newspapers, the 2G services suspension affected the COVID-19 dashboard, which provided a database on the outbreak, as the gag continued.

COVID-19 has pushed the world to shift online for work, education and resources and in Kashmir, the communication blockade acts as an impediment for the day-to-day functioning. Lack of 4G services and slow internet services reportedly causes problems for students trying to access online education. Students and teachers have raised concern over J&K Private Schools Coordination Committee appealed to Lt Governor for the restoration of 4G internet services in J&K to help students take online classes during the ongoing lockdown as low speed internet impairs e-classes in Kashmir. In response to the pleas filed in the Supreme Court for the 4G restoration, the J&K administration said that right to access the internet is not a fundamental right and the restrictions have been imposed “to protect the sovereignty, integrity and security of the country.” In response, on May 11, the Supreme Court of India has set up a “special committee” headed by the Union Home Secretary to consider pleas for 4G restoration in Kashmir. This is counter-productive as the communications blockade was put in place by the same authorities.

VIII. ATTACK ON RELIGIOUS PLACES

Attacks on religious places, especially of a minority community have often been used as a tool to create distrust among the populace or to trigger tensions between communities. This is not unprecedented and has led to clashes on several occasions. Over time, it has been

identified as a divisive tool used to brew communal tensions. Such instances were observed during the month of May as attacks on religious places started occurring sporadically.

On May 17, a petrol bomb was hurled at Amar Koul temple in Badamwari, Rainawari, Srinagar in the late hours of the evening.

On May 19, Masjid Imam Ali & the Astaan of Aga Syed Jaffer (at Alipora, Botakadal, Srinagar) were attacked with petrol bombs. Both are religiously sacred places for the Shia community.

On May 30, unidentified burglars broke into a Kalvi Dhar Gurudwara at Jawahar Nagar, Srinagar and decamped with cash & other valuables.

On the intervening night of 5 and 6 June a petrol bomb was hurled at Astaan Imam Musa Kazim at Sajadabad, Chattabal, Srinagar.

No follow up of the incidents was made public, including the perpetrators.

IX. USE OF EXCESSIVE FORCE

The use of excessive and indiscriminate force by the armed forces against civilians continued to be reported.

On 13 May 2020, a village in Budgam, Nasrullah Pora, was ransacked and civilians were left severely injured after armed personnel of Jammu and Kashmir Police and Central Reserve Police Force (CRPF) raided the village. Locals allege that the incident occurred due to a fight between SP Fayaz Hussain and local residents at a mosque. Several accounts of harassment, injuries, property damage and even looting emerged from the area. Women from the area say that they were beaten up and the gun butts were put in their mouth to keep them from screaming, while several men were also subjected to physical harm and tied to trees.³

After the killing of Hizbul Mujahideen Commander Riyaz Naikoo in an encounter, protests broke out in Beighpora village of Awantipora in south Kashmir. The armed forces retaliated with bullets and pellets killing Jahangir Yousuf Wani, 32, son of Mohamamd Yousuf, a resident of Uthmula. Reports said that he was hit by a bullet in his neck. Several other protestors were severely injured, many received grievous bullet and pellet injuries. According to *The Kashmir Walla*, at least 14 were critically injured.⁴

X. INTRODUCTION OF NEW LAWS AND RECENT POLICY CHANGES IN KASHMIR POST ABROGATION OF ARTICLE 370

Jammu and Kashmir Re-organisation Act and Domicile Law

On August 5, 2019, the government announced in Parliament the abrogation of the provisions of Article 370 for Jammu and Kashmir and split the state into two Union Territories (UT) of Jammu and Kashmir and Ladakh. The relegation of J&K from a state with special status to a separate union territory gave a direct control on the territory and more powers to the central

³<https://thekashmirwalla.com/2020/05/shoved-gun-barrels-in-mouths-tied-civilians-to-tree-a-ransacked-budgam-village/>

⁴<https://thekashmirwalla.com/2020/05/pulwama-gunfight-civilian-shot-dead-in-protests/>

BJP-led government via the appointment of Lieutenant Governor. It practically limits the autonomy of the state legislature of J&K that was awarded to it via Article 370 of the Indian constitution.

The Government of India's approval is in line with Section 96 of the Jammu and Kashmir Re-organisation Act 2019, that came into effect on October 31, 2019.⁵ Later the order was issued by the department of J&K and Ladakh for an adaptation of Central Laws was also promulgated. It ordered application of 37 central laws envisaged in the Concurrent List to the newly formed UT. The Order notifies changes in the J&K Civil Services (Decentralization and Recruitment) Act (hereafter, "Civil Services Act"), which defines "domicile" for employment in the region. With the abrogation of Article 370, a total of 106 central laws are effective in the Union Territory of Jammu and Kashmir. These include some key central legislations including Prevention of Corruption Act, National Commission for Minorities Act and Land Acquisition Act.⁶

The J&K Re-organisation Order disempowers the state legislature of J&K from ascertaining 'permanent residents' and their right to employment, as was provided under Article 35A of the Indian constitution. The order is nothing but another step by India to settle non-indigenous population in the valley by changing the domicile laws. The government of India changed the age old domicile law of the region. Under the domicile law, those who have resided for a period of 15 years in Kashmir are now eligible to become permanent residents. The new law announced by the Ministry of Home Affairs also provided domicile status to the children of central government officials who have served in Indian-administered Kashmir for a total period of 10 years⁷ and to those who are registered as migrants by the Relief and Rehabilitation Commissioner (Migrants). The MHA amended 109 laws and repealed 29 laws of the erstwhile State of Jammu and Kashmir. The MHA amended a 2010 legislation, the Jammu and Kashmir Civil Services (Decentralisation and Recruitment Act), by substituting the term "permanent residents" with "domiciles of UT [Union Territory] of J&K." Now with the settler colonialism being put to operation, the common distinction between armed forces and a civilian would lose the relevance.

The new domicile laws encourage "demographic flooding." The changes are an erasure of Kashmir's history and a project in creating homogeneity – so that there is no legal difference between a Kashmiri and someone from any part of India who has lived in Kashmir for a specified period. The new 'domicile' rules are a major departure from an established body of historical precedent, law and jurisprudence. This position was guaranteed to Kashmiris under the Delhi Agreement of 1952, the Presidential Order of 1954, Article 35A of the constitution of India and Part III Section 6 of the constitution of Jammu and Kashmir.⁸

India is systematically paving the way for forced demographic change in J&K thus institutionalizing a system of domination over indigenous populations. The order is a clear violation of the 4th Geneva convention. Observers warn that the new Domicile Law could permanently alter the demography of the disputed region and "17.4 lakh people can certainly acquire domicile rights, which constitute roughly 14% of J&K's population of 1.23 crore in 2011."⁹

⁵ <https://www.hindustantimes.com/india-news/cabinet-approves-adoptionof-37-central-laws-in-jammu-and-kashmir/story-eVgvY7UgXlbRTIhwJP6ISM.html>

⁶ <https://www.indiatoday.in/india/story/central-laws-apply-jk-now-1578193-2019-08-07>

⁷ <https://www.aljazeera.com/news/2020/04/flooding-india-introduces-kashmir-domicile-law-200401100651450.html>

⁸ <https://thewire.in/rights/kashmir-domicile-law>

⁹ <https://www.newsclick.in/why-jks-demography-will-change-beyond-belief>

The domicile law also is in violation of ICRC provisions, as the law by its intent, seeks to alter the demographic make-up of the disputed region by unilateral imposition of demographic changes and thereby can be read as possessing ‘genocidal intent.’

J&K Education Investment Policy 2020

According to New Education Policy 2020, ‘the government intends to give due preference to reputed players in the field of education willing to set up universities in J&K. Government will facilitate allotment of land in UT from the specified available land bank and will coordinate with the concerned departments for the required approvals and clearances to facilitate the process of setting up educational institutes in J&K.’¹⁰ Now the private players from outside the J&K will be incentivized to set up educational institutions in J&K.

The new education policy aims to whitewash the local history and rewrite the textbooks to represent an obfuscated narrative suitable for the present Government of India. The Narendra Modi government has repeatedly been accused of ‘saffronising’ education – particularly by editing history textbooks.¹¹ Moreover this is going to put the survival of educated youth of J&K at stake. The arrival of the private players (both of national and international repute for setting up the educational institutes in various academic and professional streams) will reduce the chances of natives at availing the teaching posts in J&K. The course curriculum and syllabus will be designed by outsiders, thus changed completely. With coming of the private players, many colleges will be affiliated to the universities that will be located outside Kashmir and during the curfews and strikes when local schools and colleges are usually closed, the students of the centrally affiliated universities will be bound to go for examination under any circumstances and that will be sold to the outside world in a different manner, thus there will be design to change the narrative and totally different picture of Kashmir will be presented.

New Media Policy

The policy of harassment, intimidation and threatening journalists for highlighting people’s issues has frequently been reported in J&K but with the introduction of New Media Policy the government seems to have given this policy of intimidation an official sanctum.

J&K administration approved the new Media Policy-2020 stating that it was meant for effective communication and public outreach.¹² The Media Policy-2020 allows the Directorate of Information and Public Relations (DIPR) to “examine” the content of print, electronic and various other forms of media for “fake news, plagiarism and unethical or anti-national activities.” The administration also stated that the policy attempts to “thwart misinformation, fake news and tries to develop a mechanism that will raise alarm against any attempt to use the media to vitiate public peace, sovereignty and integrity of the country.”

The new media policy has rendered J&K newspapers into government hand-outs. The new policy gives J&K administration powers to decide what is ‘fake’, ‘unethical’ or ‘anti-national’ news, and to take legal action against the journalist or media organisation concerned, including stopping government advertisements and sharing information with security agencies.¹³

¹⁰ <https://www.greaterkashmir.com/news/front-page-2/jk-education-investment-policy-2020/>

¹¹ <https://thewire.in/education/ncert-history-textbook-caste-struggles-colonialism>

¹² <https://www.hindustantimes.com/cities/j-k-admin-s-new-media-policy-an-affront-to-press-freedom-say-kashmiri-journalists/story-onv0pfBkgHcBnUH6ZoQ12O.html>

¹³ <https://kashmirage.net/2020/06/12/truth-will-be-the-biggest-casualty-of-this-orwellian-order-omar-on-new-media-policy/>

It also proposes withholding advertisements to “any media which incite or tend to incite violence, question sovereignty and integrity of India or violate the accepted norms of public decency and behaviour” and prosecution for “fake news or any news inciting hatred or disturbing communal harmony” under the rules laid down by the IPC and cyber laws.¹⁴

The new policy have been described as an attempt ‘to kill journalism’ and a ‘remnant of the colonial era.’¹⁵

This is an attempt to control the narrative and throttle freedom of press, speech and expression. It’s a serious threat to press freedom in J&K. This is a state censorship where government will decide what to publish and what not to. This will mean that the government cannot be criticized. The policy has been framed to muzzle and curb independent journalism. It’s a clear intimidation of journalists. Such anti-democratic gags will jeopardize the free working of press. ‘The new media policy alters this paradigm by making the journalists accountable to the government, which now dons the role of the over-arching watch-dog.’¹⁶

The regressive policy was sanctioned ten days after the prestigious Pulitzer Prize was awarded to two Kashmiri photojournalists in May. The media policy has been framed in the backdrop of J&K Police filing FIRs against two Kashmiri journalists. Photographer Masrat Zahra and journalist-author Gowhar Geelani were booked under anti-terror laws for social media posts which cyber police found objectionable. These two journalists have been booked under the anti-terror Unlawful Activities (Prevention) Act (UAPA) in April. Police also registered a case over a news report in *The Hindu* and summoned its Srinagar correspondent, Peerzada Ashiq. The editor of *The Kashmir Walla* was also summoned by the police in May for the coverage of a gunfight.

New Real Estate Policy

A committee has been set up to frame the policy document, which will allow developers and home buyers from outside the state to invest in Kashmir.

‘In 2018, then State Administrative Council had approved Real Estate Regulatory Act for J&K. However, under the provisions of the J&K Re-organization Act 2019, that Act was repealed as it allowed only state-subjects to buy properties in the erstwhile state. Now the new policy will pave way for outside developers to invest in J&K.’¹⁷

With the abrogation of Article 370, the army has already set out to buy land for its camps in the Valley. As per the newspaper reports, “The Army has approached Baramulla administration, evincing interest in buying 129 kanal (6.5 hectare) of land at Kreeri high ground at Tapperwari in Pattan area of the north Kashmir district, where the troops are already “temporarily stationed.”¹⁸

As per the central government “over 56,000 acres of land in Jammu and Kashmir is with several Defence departments, wings, and organizations. Out of that, 18,935 acres are used by

¹⁴ <https://thekashmirwalla.com/2020/06/media-policy-an-orwellian-tool-to-control-kashmirs-press/>

¹⁵ <https://thefederal.com/states/north/jammu-and-kashmir/colonial-era-censorship-critics-slam-jks-new-media-policy/>

¹⁶ <http://www.kashmirtimes.com/newsdet.aspx?q=102986>

¹⁷ <https://www.greaterkashmir.com/news/front-page-2/jk-to-formulate-real-estate-policy-2020/>

¹⁸ <https://www.hindustantimes.com/india-news/army-seeks-to-purchase-land-from-j-k-s-baramulla-district-administration/story-vnBloOA1k5Fi4mhlSxXdEO.html>

forces in Jammu, 3,738 acres in Srinagar, 2,327 acres in Budgam, 2,153 acres in Anantnag, 3,963 acres in Udhampur, and 3,530 acres in Kargil districts.”¹⁹

According to Sheikh Ashiq, the president of Kashmir Chamber of Commerce and Industries ‘In 120 days of lockdown following revocation of article 370 on August 5, Kashmir suffered a loss of Rs 18,000 crore. Since August up until now, we have suffered around Rs 30,000 crores of loss. If there is no timely intervention from Government, our economy will perish.’²⁰

XI. COVID-19 Lockdown and Impact on Human Rights

Beginning of the COVID-19 lockdown

While Jammu and Kashmir was slowly emerging from the complete crackdown that was imposed on 5 August 2019, the coronavirus scare erupted throughout the world. Jammu and Kashmir was again put under lockdown with curfew like restrictions and imposition of Section 144 on 19 March 2020.²¹ The first case of COVID-19 was registered in Srinagar on 18 March in a dense locality of Khanyar. Many advisories were issued by the authorities to hotels, educational institutions, etc. during the week before the lockdown was announced. Section 144 Cr. P.C. was imposed in Shopian, the district which has been one of the most affected due to violence in the recent years, in southern Kashmir on 14 March, a week before it was put into effect in the rest of the valley.²²

The declaration of lockdown came overnight without giving people any time to buy the essentials. The lockdown in Kashmir was declared before India, where it was declared on 24 March 2020.²³ While the period of lockdown in India was specified to be for 21 days in the first announcement, no such time limit was set for Jammu and Kashmir. The people of Jammu and Kashmir were again pushed into the uncertainty. The clarifications about the duration of lockdown was given in the later days.

Instead of being treated as a health emergency, this lockdown was also implemented in a highly militaristic manner like many other lockdowns that Kashmiris have been made to suffer, the most recent being imposed on 5 August 2020. Armed police and paramilitary forces personnel manned the roads, which were also blockaded by concertina wire and the armed police and paramilitary vehicles. Hundreds of FIRs were filed against people charging them of defying restrictions. On 9 April, people who were out on the roads in Tral were cane-charged with some of them receiving some minor injuries. While 230 Jammu and Kashmir police officers and personnel were awarded commendation certificates and monetary rewards on 18 May, another 166 officers and personnel were similarly rewarded on 27 May, for their handling of COVID-19.²⁴ No such rewards have been given to any doctors or paramedical staff in Jammu and Kashmir for their handling of COVID-19. Ironically, the doctors associations raised the concerns before the administration about the lack of basic protective

¹⁹ <https://timesofindia.indiatimes.com/india/in-a-first-army-seeks-to-buy-land-in-jk-post-article-370-move/articleshow/76098523.cms>

²⁰ <https://kashmirilife.net/if-the-government-doesnt-intervene-our-economy-will-perish-issue10-vol-12-235753/>

²¹ <https://www.thehindu.com/news/national/other-states/coronavirus-kashmir-valley-records-its-first-case-say-officials/article31101852.ece>

²² <https://www.greaterkashmir.com/news/front-page-2/government-issues-advisory-for-hotels/>

²³ <https://www.firstpost.com/health/pm-narendra-modi-announces-a-national-lockdown-for-21-days-starting-midnight-of-24-25-march-8185961.html>

²⁴ <https://kashmirage.net/2020/05/27/dgp-jk-rewards-166-police-personnel-for-their-dedication-hardwork-against-covid-19/>

gear²⁵ at multiple times, had to stage protests against the State's apathy towards them²⁶ and a doctor was even sacked for demanding standard quality protective gear.²⁷

Barricaded Red Zones

On 1 May, the Union Health Ministry declared the areas as red, orange and green zones based on the number and surge in coronavirus infections in the particular area. Red zone was defined as "the districts with substantial numbers of positive cases" and "the areas that show a high rate of infection".²⁸ While on 1st May, the Union Health Ministry classified only four districts in Kashmir valley, Bandipora, Srinagar, Shopian and Anantnag as red zones, Pulwama as green zone and the rest of the districts as orange zone, the administration in the valley decided to treat whole of the valley as red zone with most strict restrictions on movement.²⁹ The Divisional Commissioner, Kashmir said that "there is very little difference between the red and the orange zones given the type of restrictions to be imposed and the level of caution to be exercised." But no such measures were exercised in Jammu Division, where all the ten districts were classified as orange zone.³⁰

The areas classified as red zones in Kashmir valley were barricaded with permanent blocking of all the roads leading into these areas with iron bars fixed in concrete.³¹ This blockading was done in addition to concertina wires already present. This move was met with criticism from the residents who feared that this blockading will hamper emergency fire and health services.

Surveillance

The proud admissions by the administrative officials from Kashmir about the different modes of surveillance used by the state to track people particularly those who did not reveal their travel histories provided the idea of the pervasiveness of the surveillance infrastructure already in place in Kashmir.³² This infrastructure, which is used intensively as a counter-insurgency tool, was readily diverted for the surveillance of people to track coronavirus infected people and their contacts. The surveillance infrastructure was utilized without any legal basis.³³ Apart from using phone tracking and crowd sourcing application like "Talaash Srinagar", admittedly "private eye" skills were utilized, ATM usage histories and ticket booking information from travel agents.³⁴

In addition to manual surveillance, unmanned aerial vehicles (UAVs) were used to ensure a strict lockdown.³⁵ These UAVs were extensively used during the August 2019 lockdown for surveillance. The Indian army have also been using the UAVs during the encounters.

²⁵ <https://science.thewire.in/health/kashmir-hospitals-protective-gear-coronavirus/>

²⁶ <https://www.greaterkashmir.com/news/srinagar/gynae-residents-at-skims-mc-hospital-stage-protest-demand-standard-ppes/>

²⁷ <https://www.hindustantimes.com/india-news/in-kashmir-doctor-sacked-for-demanding-standard-quality-protective-gear/story-PKS4tn6feo8iNuHEAE4L6H.html>

²⁸ <https://www.indiatoday.in/information/story/coronavirus-centre-issues-state-wise-division-of-red-orange-and-green-zone-here-s-how-they-will-differ-1673222-2020-05-01>

²⁹ <https://www.livemint.com/news/india/covid-19-update-entire-kashmir-valley-to-be-treated-as-red-zone-11588392604401.html>

³⁰ <https://www.livemint.com/news/india/covid-19-update-entire-kashmir-valley-to-be-treated-as-red-zone-11588392604401.html>

³¹ <https://www.thehindu.com/news/national/coronavirus-kashmir-starts-barricading-red-zones-amid-criticism/article31341703.ece>

³² <https://economictimes.indiatimes.com/news/politics-and-nation/how-to-catch-a-covid-patient-sherlock-style/articleshow/74870995.cms>

³³ <https://www.middleeasteye.net/opinion/coronavirus-kashmir-india-responds-more-violence>

³⁴ <https://economictimes.indiatimes.com/news/politics-and-nation/how-to-catch-a-covid-patient-sherlock-style/articleshow/74870995.cms>

³⁵ <https://economictimes.indiatimes.com/news/politics-and-nation/covid-19-j-k-police-uses-eye-in-the-sky-to-enforce-lockdown/articleshow/75294538.cms?from=mdr>

Procurement of 50 UAVs by J&K police was approved by the Union Home Ministry in October 2019.³⁶

Detentions during COVID-19 lockdown

Keeping up with the militaristic approach to the implementation of the lockdown, hundreds of people were arrested for “defying the restrictions” who were charged under many FIRs. As of 26 March, 218 FIRs had already been registered across Jammu and Kashmir in cases of violations of restrictions.³⁷ In three days, by 29 March, the number of FIRs had increased to 337 in which a total of 637 people were booked and arrested.³⁸ According to a statement by the J&K police on 16 April, less than a month into the lockdown, 1012 FIRs had been registered in Jammu and Kashmir against 2303 people defying the lockdown rules set by the administration.³⁹ Of these, 1691 were arrested in Kashmir and booked in 568 FIRs whereas 612 people were arrested in Jammu division and booked in 444 FIRs. Arrest of at least 92 more people was reported after the statement by J&K Police on 16 April.

Apart from arresting people, 1295 shops and vehicles were also seized for defying lockdown orders by 16 April.⁴⁰

Shelling on LOC during COVID-19 lockdown

UN Secretary General, Antonio Guterres, called for global ceasefire on 23 March 2020 as the world was facing deadly coronavirus pandemic. He reiterated the same message on 22 May. However, the line of control (LoC) remained as violent as it was before. At least 15 civilians were injured in the cross-LoC shelling after the lockdown was announced on 19 March. This included 1 minor girl and 3 women. The cross-LoC shelling also resulted in the killings of 5 civilians including 2 women and 2 minors. During the same time, at least 7 army personnel were injured while 5 were killed.

On April 10, heavy shelling rattled the residents of Panzgam, Chowkibal, Rawathpora, etc. villages in the Keran sector of Kupwara district.⁴¹ The villages are about 50 kilometers away from the LoC. Army moved heavy artillery close to the residential areas of the villages. The ensuing cross-LoC shelling resulted in the killings of 3 civilians, which included one woman and 2 minors. Due to the coronavirus lockdown, the villagers had nowhere to flee for safety.⁴² The civilian population of these areas was allegedly used as human shield which resulted in the civilian deaths.

Low internet speeds and internet shutdowns during COVID -19 lockdown

Despite many appeals to the government, the restrictions on 4G internet continued to remain in place making it extremely difficult for the doctor’s community to access new research and information about the pandemic. Access to timely information can act as a preventive measure against the COVID-19 and the absence of fast speed internet can impact the health of the entire community.

On March 26, 2020, the government released an order stating that the internet access across J&K will be made available with the following restrictions:

³⁶ <https://www.asianage.com/india/all-india/031019/jammu-and-kashmir-police-to-get-50-drones-to-track-militancy.html>

³⁷ <https://www.thenorthlines.com/coronavirus-pandemic-21-day-lockdown-begins-amid-restrictions-in-jk/>

³⁸ <https://www.newindianexpress.com/nation/2020/mar/29/337-firs-registered-627-arrested-for-violating-lockdown-in-jk-dgp-2123111.html>

³⁹ <https://indianexpress.com/article/coronavirus/jk-over-1000-firs-filed-for-lockdown-violation-6365659/>

⁴⁰ <https://indianexpress.com/article/coronavirus/jk-over-1000-firs-filed-for-lockdown-violation-6365659/>

⁴¹ <https://kashmirobsrver.net/2020/04/10/kupwara-tense-as-indo-pak-armies-trade-fire/>

⁴² <https://kashmirobsrver.net/2020/04/12/3-civilians-killed-in-cross-loc-shelling-in-kupwara/>

- The internet speed shall be restricted to 2G only.
- The postpaid SIM cards holders shall be provided with access to the internet. Such access shall not be made available on pre-paid SIM cards unless verified.

The low internet speeds continued during the COVID-19 lockdown period. Also, 35 internet shut downs were reported during this period.

The slow internet speeds have also impacted the educations of students and researchers who are supposed to take online classes. The people of J&K have been put under a disadvantage at this critical point.

Release of Prisoners

During the COVID-19 lockdown period, 345 people were released from detention. However, Mian Qayoom, the president of Kashmir Bar Association, who is suffering from many life threatening ailments was denied bail on 25 May by Jammu and Kashmir High Court. Before this, his habeas corpus petition was dismissed on 7 February 2020 by the same court. He was arrested on the intervening of 4 and 5 August 2019 and shifted to Agra Central Jail, UP on 8 August 2019. With his deteriorating health and his high vulnerability to catch coronavirus infection, he continues to stay in detention. Even his requests to be shifted to Tihar or Srinagar Central Jail have been dismissed.

Harassment of Medical Staff

After the lockdown due outbreak of COVID-19 was announced, the medical staff in Jammu and Kashmir increasingly came under attack while visiting localities for conducting tests. Medical professionals protested when a Medical officer of Bandipora, Dr. Tajamul Hussain was stopped by police when he was on his way to inspect a quarantine and sample collection centre.⁴³

On 23 May 2020, Dr. Syed Maqbool, a senior cardiologist from Srinagar was beaten up and abused by police personnel, and forced to spend a whole day inside the Zadibal police station while he was on way to SMHS hospital. Despite producing his identity card and the duty roaster, he was verbally abused and hit in the belly with a baton. Station House Officer dragged him to police station and also snatched his mobile phone. Upon informing the officer about his duty at the hospital, the officer replied “let the patient and hospital go to hell”. At around 6 p.m., his brother came to the police station and signed his release papers.⁴⁴

A well-known epidemiologist in Kashmir namely, Dr. Muzaffar Ahmad was beaten by Central Reserve Police Force (CRPF) in Chadoora, District Budgam when he was on his way to hospital. He was crossing the CRPF barricade at Chadoora to catch a vehicle for the hospital when a paramilitary trooper stopped him and beat him ruthlessly. Despite him showing them his identity card and movement pass, the CRPF personnel hit him with batons and dragged him on the road. He was saved from the clutches of CRPF personnel by local people and was rushed to the District hospital, Budgam for the treatment.⁴⁵

A young doctor at Sher-i-Kashmir Institute of Medical Sciences (SKIMS) went out of his way to nurse one of the sickest COVID-19 patients, who later died of the disease, in the isolation ward. However, the doctor was sacked as he demanded standard quality personal protective equipment (PPE) for the staff treating infected patients. He said the protective gear given to them is like tissue paper and at one time he was completely exposed to the virus as

⁴³ <https://indianexpress.com/article/india/kashmir-coronavirus-jk-police-cardiologist-bandipora-cmo-viral-video-6427983/>

⁴⁴ <https://thewire.in/rights/kashmir-doctor-beaten-detained-srinagar-police>

⁴⁵ <https://www.tribuneindia.com/news/j-k/crpf-beat-me-ruthlessly-says-doctor-in-kashmir-93922>

the patient's intravenous fluid leaked and seeped into his clothes through the sub-standard PPE. The doctor claimed that he was targeted only to threaten the other doctors for demanding standard protective gear. Before this, an ECG technician was also suspended for demanding protective gear.⁴⁶

An ambulance driver, Tariq Ahmad, of the health department was beaten up by police personnel in Pulwama district of southern Kashmir. Tariq Ahmad from Shopian was sent to nearby Pulwama to pick up two people who had to be put under administrative quarantine. After he picked one, he reached to the circuit road, where policemen were present. They told him to take another route, and that road was closed. But after he saw a vehicle coming from the same road, which they told him is closed, he again requested them to allow him to go. They told him to take alternative route. When he objected to it, one policeman came and hit him with stick. Later matter was taken up with the local authorities and a complaint was submitted as well. As per the order issued by the District Magistrate Pulwama Raghav Langer, Altaf Khan Additional District Magistrate Pulwama has been designated as the Inquiry Officer and was directed to submit a report.⁴⁷

Kashmiris Outside during Coronavirus outbreak

During the COVID-19 lockdown, many Kashmiri patients were stranded in different states outside J&K. Most of the patients, who had undergone surgeries in Indian cities of Delhi and Mumbai, were unable to travel by road. They demanded that Jammu and Kashmir administration airlift them from these cities. When contacted, Divisional Commissioner of Kashmir, Panndurang Kondbarao Pole said they are looking into the matter as “we can’t make special arrangements for everyone. There are so many difficulties in it”.

Meanwhile, a group of students stranded in Delhi accused the administration of “cheating” them and said after registering their names for evacuation, they were asked by liaison officer to arrange transport on their own. They were informed that they will be provided only movement passes for vehicles.⁴⁸

On 18 May 2020, Mohammad Adnan, 25, a businessman from Srinagar lives in Mumbai. He was stopped by three men on the street when he was returning to his apartment on the Mohammad Ali Road area of the city in the early morning hours. While he was entering the building one of the person grabbed him by throat and started beating him. They tore apart his shirt. The men started abusing him and called him names using communal and regional slurs. After this incident, Adnan called the police and his neighbor for help. A police party was on the spot taking stock of the situation. Later Adnan came to know that the attackers live in the same building where he lives.⁴⁹

On 10 April 2020, three Kashmiri boys working as delivery persons in Jaipur, Rajasthan were beaten up severely by local police while they were out delivering food. One of them, namely Altaf said that they remained quiet about the incident as they feared that it would

⁴⁶ <https://www.hindustantimes.com/india-news/in-kashmir-doctor-sacked-for-demanding-standard-quality-protective-gear/story-PKS4tn6feo8iNuHEAE4L6H.html>

⁴⁷ <https://indianexpress.com/article/india/jk-probe-ordered-after-ambulance-driver-allegedly-beaten-by-police-in-pulwama-6416842/#:~:text=week%20time%20positively.%E2%80%9D,Officials%20said%20that%20ambulance%20driver%20Tariq%20Ahmad%20from%20Shopian%20was,Pulwama%20and%20was%20beaten%20up.&text=%E2%80%9CE%20had%20to%20pick%20up%20two%20people%20from%20Pulwama.>

⁴⁸ <https://www.greaterkashmir.com/news/kashmir/stranded-kashmir-patients-in-state-of-despair-amid-lockdown/>

⁴⁹ <https://kashmirilife.net/kashmiri-businessman-beaten-up-in-mumbai-233600/>

worry their parents back home in Kashmir. According to Altaf, on April 10, about 14 boys, including the three of them, were out on their daily duty when local police intercepted them. Upon identifying them as Kashmiris, the policemen allegedly called them ‘traitors’ and began beating them up with lathis. Altaf claimed that police were mild on the local boys and did not hit them hard, but “channeled all their energy to beat up the Kashmiri boys.” They were kept in the police station and taken to hospital only at 10 am the next day, and then, produced before the magistrate.⁵⁰

On 13 April 2020, Kashmiri labourers from Gujjar community were attacked by a group of local people in Mandi district of Himachar Pradesh, where they work in power infrastructure sector. Three persons were grievously injured in the attack while others received minor bruises. According to the victims, at around 10:30 pm on the fateful night four men, armed with a cricket bat, barged into their tin-shed in Barot village of the district and started hurling abuses and religious slurs at them. One of the victim, Raja Bahar, 32, who hails from Banihal area of Ramban district in Jammu and Kashmir, said, “the attackers kicked and hit us with the cricket bat they were carrying with them. We were three in one room and six in another.” When the victims started raising alarm and shouting for help, the assailants rushed out of their rooms and ran into the nearby forest. One of the neighbor took the injured to a health centre of the village. The doctors at the hospital asked them to call the police before initiating the treatment as they said it was a medico-legal case. One of the victim said that the attackers followed them to the hospital. “Even at the hospital, they threatened to shoot us if we did not leave the area.” Late in the night, they were discharged from the hospital after first aid. Later on, they were shifted into a school building for their safety. The police filed FIRs against both the sides and have named three-four people from each side in the FIRs.⁵¹

XII. Human Rights related Official Statements 2020

Date	Statements
January 01	Army will give special attention to HR issues: Army Chief Naravane Jan 01: New Army Chief General MM Naravane said the attention will be paid to issues of human rights. A day after taking charge as 28th Chief of Army Staff, General Naravane also said that his force will give special attention to issues relating to human rights. He also said that the armed forces were fully ready to deal with any security challenge facing the nation. General Naravane said his priority would be to keep the army operationally prepared all the times. “This will happen as a result of modernization. We will continue to build capabilities particularly in north and north-eastern regions. We will also lay emphasis on raising security awareness among our rank and file and also pay special attention to issues of human rights,” he said.
January 10	Majority of political leaders in JK free now: Madhav Majority of political leaders of J&K detained following the abrogation of Article 370 have been set free now and the remaining about 20-25 would “hopefully” be released in the next few weeks, BJP General Secretary Ram Madhav said on Friday. He was asked when the detained political leaders would be allowed to participate in normal activities. The curbs on internet are being “Progressively” removed and the service would be fully restored in the entire UT ‘very soon’, he said. “Mobile services are fully operational now including messaging services and I am sure very soon the internet services will be fully restored. On the visit of foreign envoys the BJP leader said it was an important event to tell the entire world about the true situation in the Valley. “The Valley is peaceful after the important measures that we have taken. People of the Valley largely in a mood to welcome more development, more progress that is what the Envoys who have visited the Valley have experienced there,” he said.
January 17	India has de-radicalization camps: Rawat

⁵⁰ <https://thewire.in/rights/kashmiri-delivery-beaten-up-police-jaipur>

⁵¹ <https://thewire.in/communalism/himachal-pradesh-kashmiri-labourers-attacked>

	In the first such disclosure, Chief of Defence Staff BipinRawat said de-radicalization camps are operating in the country as it was necessary to isolate people who are completely radicalized. In an address at the Raisina Dialogue, Gen Rawat, delving into situation in Kashmir, said girls and boys as young as 10 and 12 years old are being radicalized in the valley which he described as a matter of concern. k “These people can still be isolated from radicalization in a gradual way. But there are people who have been completely radicalized. These people need to be taken out separately, possibly taken to some de-radicalization camps,” he said. We have got de-radicalization camps going on in our country,” the chief of defence staff said. Rawat said containing radicalization is key to effectively combating militancy; adding radicalized young people were involved in pelting security forces with stones in Kashmir. Identifying radicalisation is a major challenge, he said, it cannot be countered with effective programme. “You got to start looking at where the radicalization is taking place. Who are the people involved in radicalizing people. It is happening in schools, universities, from religious places and sites and there are groups of people who are spreading this,” he said. The former army chief said it was important to isolate people who have been radicalized. “You have to start isolating these people gradually and then start a counter radicalization programme by identifying the people who have been radicalized and to what degree.” “You have to segregate them. Then looking at those who have been completely radicalized. First target them and then also start looking at the future, like what we have seen in Kashmir,” he said. On pelting stone on security forces in Kashmir, Gen Rawat said the stones used were as lethal as pellet guns. “We had have causalities including death being caused because of stone pelting.” The former army chief also claimed people in Kashmir suffered pellet wounds on their faces and eyes when they tried to pick stones from the ground. “The forces were not aiming for the face. They aimed for the leg. But the face gets hurt when the people tried to pick up stones from the ground,” he said. General Rawat said an impression is being created that Indian army had been heavy handed in Kashmir. “Indian army had to be heavy handed in the initial phase of the proxy war when it was launched in early 1990s. Thereafter we are not using such an approach,” he said.
January 20	DGP supports establishment of de-radicalization centres Director General of police Dilbagh Singh supported the idea of setting up de-radicalisation centres for youth who have gone astray, in J&K. “In recent times there have been lot of efforts from Pakistan and its agencies to spur radicalization in this area, some of over young minds have been effected by it and have gone astray. If such a facility (De-radicalisation centre) comes up, it should be welcomed,”DGP Singh told reporters. He said some of the youth, who have been caught by police, did not seem to talk sense sometimes. Singh said that if an attempt is made to set up a facility where experts in the subject and religious experts are part of it, it will help these youth. The idea of setting up de-radicalisation centre in Kashmir was first mooted by chief of defence staff General BipinRawat, leading to criticism from some Quarters. While speaking on the arrested police officer Davinder Singh, the DGP said that there was no bar on investigation into past crimes committed by sacked police officer. “There is no bar on investigating any complaints against him (Davinder Singh)if we receive a formal complaint,” the DGP told reporters. A senior police officer posted with the strategic anti hi- jacking team at the Srinagar airport, Davinder Singh was arrested along with two militants in a car.
February 05	No proposal to set up de-radicalization camps:MoS Home Feb 05: Union MInsiter of State for Home, G Kishan Reddy, informed Rajya Sabha that no proposal is under consideration to set up de-radicalization camps in Jammu and Kashmir.
February 05	389 people in detention under PSA in JK: Govt Feb 5: A total of 389 people are currently in detention under the Public Safety Act (PSA) in Jammu and Kashmir, the Rajya Sabha was informed. Union Minister of State for Home G Kishan Reddy said detention orders has been issued against 444 people under the JK Public Safety Act since August 2019 when Article 370 was abrogated.

	At present, 389 people are in detention under the PSA, he said in reply to a written question.
February 05	Security forces casualties down 73 pc after Art 370 revoked: Reddy Feb 05: Thirty-two militants have been killed and 10 arrested in Jammu & Kashmir since August 5, 2019, Minister of State for Home G. Kishan Reddy told the Rajya Sabha. He said 19 civilians died in attacks in J&K during this time. He said 437 persons, none among them minors, are presently under preventive detention in J&K. 6,605 people including miscreants and stone pelters and over ground workers of militants were taken into custody since August. He said incidents of security personnel deaths have come down by 73 per cent in Jammu and Kashmir after the abrogation of Article 370. While 82 security personnel were killed during the period of 173 days from February 13 till August 4, 2019 as against 22 security force personnel who were martyred in a period of 173 days from August 5 2019 to January 24, 2020.
February 06	Right to Internet Not Fundamental, Country's Security Equally Important: Prasad Feb 06: Misconception about the right to Internet being a fundamental right needs to be cleared, Union Minister Ravi Shankar Prasad said in the Rajya Sabha, emphasising that the country's security was equally important. Communications, Information Technology, Electronics and Law and Justice Minister Prasad during the Question Hour said communication of ideas and views through Internet are part of fundamental right to speech and expressions. "The Supreme Court... has clearly stated that no lawyer argued that right to Internet is a fundamental right... This kind of misconception needs to be corrected. What the Supreme Court has stated is that for communication of your ideas and views the use of Internet will also to be held a part of your fundamental right of speech and expression," Prasad said in reply to a query. Prasad said no one can deny the abuse of Internet for spreading violence and terrorism, and Pakistan has been doing it in Kashmir and ISIS prospered because of Internet. "While right of Internet is important, security of the country is equally important.... Can we deny (that) Internet...is abused by terrorists...for violence and there have been attempts to create unrest in Kashmir from across the border through Internet," Prasad said. He emphasised that the Constitution which provides rights lays equal stress on its regulation, saying "Use Internet but you cannot create violence...and weaken unity, integrity and security of nation." In reply to a supplementary question by Leader of the Opposition in the Upper House Ghulam Nabi Azad, Prasad said that having been a former Chief Minister of Jammu and Kashmir he had also been on the hit list of terrorists and was well aware of abuse of Internet. Whether it is a BJP government or a non-BJP government, Internet has been restricted on several times on account of its abuse and "what the Supreme Court has done is they have said temporary suspension of rules must be periodically reviewed", he said. He said a committee at the Centre comprising the Home Secretary, the Law Secretary and the IT Secretary reviews it periodically while there are committees in states too. Prasad said law and order is a state subject and decisions are taken based on ground situation which are reviewed periodically. "Once the Supreme Court itself has declared that the use of Internet to propagate one's views and ideas will be held to be fundamental rights...I will like to flag...this will also be subject to reasonable restrictions...for public order, for security and integrity of India," he said. On Jammu and Kashmir, he said he had recently visited Kashmir and on demand of apple growers at Sopore, which produces 300 varieties and sends out 450 trucks daily, had initiated the process of making it an e-mandi. "People in Kashmir are happy," he said, adding voice, SMS and landline services have been restored in Ladakh and Jammu and Kashmir, while Broadband functional in Jammu division. "We have allowed it for white-listed websites... there are 783 white-listed websites of government, banking, tourism, e-commerce, transportation, education," he said.
March	
April 1	J&K Govt To Take Action Against Doctors & Paramedics If They 'Publically Criticize The Admin' Issued by the directorate of health services, Kashmir, the order observed that "some of the government servants are publically criticizing the efforts of the administration to combat the Pandemic of COVID-19, which is against the service conduct rules. It further added that action would be taken against "any person disobeying any regulation or order made under the Epidemic Diseases, Act, 1897, punishable under section 188 of the Indian Penal Code." "There can be difference of opinion or some minor issues, which the government employees can bring into the notice of concerned authorities so that the issue is redressed instead of putting that issue in social media, print and electronic media, which is causing more harm than good to the public and administration in combating pandemic of COVID-19," the order issued by Dr Sameer Mattu, Director, Health Service, reads.
April 03	Will arrest those 'instigating people' on new domicile law: IGP April 03: Alleging incitation on new domicile law through social media, police today said they have initiated action against such people and arrests were on cards. "Since yesterday, some miscreants are instigating people on the new domicile law by misusing social media," IGP Kashmir Vijay Kumar said. The central government on Wednesday announced the new domicile law for government jobs in J&K, opening up all jobs except class-IV to those who have resided in the UT for 15 years or

	studied here for 7 years. Till Article 370 and 35A were in place, government jobs were reserved only for J&K residents. All political parties except the BJP have slammed the new law, stating that it was a blow to the unemployed youth of J&K. “FIR will be filed and action will be taken against those found involved,” the IGP said. “There have been continuous reports of misuse of social media by miscreants to instigate people against the new domicile law.” Sources in police said that the job to identify such people has been handed over to Cyber Police and once the people are identified, they will be dealt under law.
May 31	May 31: IGP Kashmir, Vijay Kumar said due to COVID-19 bodies of slain militants were not being handed over to their families. "Whilst there is the threat of coronavirus, the bodies will not be handed over," the inspector general of police in Kashmir, Vijay Kumar, told Al Jazeera in early May.

